



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

June 7, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

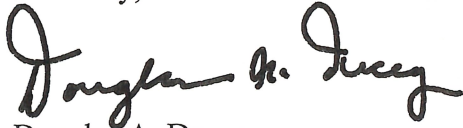
Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on June 7th, 2019:

H.B. 2039 elections; federal form; emergency voting (Townsend)
H.B. 2076 virtual training simulators; location (Fillmore)
H.B. 2134 municipal elections; write-in candidates (Cobb)
H.B. 2146 contracts; licensure requirements; exemption (Rivero)
H.B. 2190 CORP; accidental disability; definition (Payne)
H.B. 2265 defensive driving schools; course requirements (Payne)
H.B. 2275 TPT exemptions; propagative materials (Dunn)
H.B. 2358 landlord tenant; partial payment; assistance (Toma)
H.B. 2360 TPT; estimated payments; liability threshold (Toma)
H.B. 2493 solar energy devices; appraisal methods (Cobb)
H.B. 2532 critical health information; emergency responders (Gabaldon)
H.B. 2547 racing commission; simulcasting; wagering facilities (Finchem)
H.B. 2556 agricultural property; uses; rural activities (Finchem)
H.B. 2646 commerce authority; application review (Teller)
H.B. 2670 study committee; special education; gifted (Bolick)
S.B. 1027 tax credit; charitable organizations; eligibility (Leach)
S.B. 1037 prisoners; parole hearings; recertification procedures (Brophy-McGee)
S.B. 1062 public disclosure; health professionals; address (Carter)
S.B. 1064 court security officers; certification; powers (Borrelli)
S.B. 1087 vehicle liability insurance; minimum limits (Brophy-McGee)
S.B. 1213 ASRS; return to work (Livingston)
S.B. 1236 tax liens; fees; certificate expiration (Mesnard)
S.B. 1241 state parks board; heritage fund (Brophy-McGee)
S.B. 1246 behavioral health; foster children (Brophy-McGee)
S.B. 1248 property taxes; valuation; property modifications (Leach)
S.B. 1259 ADOT; proportional registration; temporary registration (Livingston)
S.B. 1300 low-income housing; tax exemption (Brophy-McGee)
S.B. 1307 DUI; license reinstatement; evaluation requirements (Livingston)
S.B. 1310 earned release credits; drug offenses (E. Farnsworth)

S.B. 1321 health information organizations (Carter)
S.B. 1330 emergency management compact; workers (Borrelli)
S.B. 1332 alternative fuel vehicles; VLT (Livingston)
S.B. 1352 health care directives registry; transfer (Carter)
S.B. 1451 procedures; nomination petitions; registered circulators (Leach)
S.B. 1456 vision screening; schools; appropriation (S. Allen)
S.B. 1482 state agencies; fee increase; limit (Mesnard)
S.B. 1494 marijuana; testing; advisory council; library (Gowan)
S.B. 1528 video service providers; license (Carter)
S.B. 1536 controlled substances; delegation; monitoring (Brophy-McGee)
S.B. 1538 adult protective services (Brophy-McGee)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

Senate Engrossed
FILED
KATIE HOBBS
SECRETARY OF STATE

CHAPTER 309
SENATE BILL 1307

AN ACT

AMENDING SECTIONS 28-1381, 28-1382, 28-1383, 28-1445, 28-1461, 28-3315 AND
28-3319, ARIZONA REVISED STATUTES; RELATING TO DRIVING UNDER THE
INFLUENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-1381, Arizona Revised Statutes, is amended to
3 read:

4 28-1381. Driving or actual physical control while under the
5 influence; trial by jury; presumptions; admissible
6 evidence; sentencing; classification

7 A. It is unlawful for a person to drive or be in actual physical
8 control of a vehicle in this state under any of the following
9 circumstances:

10 1. While under the influence of intoxicating liquor, any drug, a
11 vapor releasing substance containing a toxic substance or any combination
12 of liquor, drugs or vapor releasing substances if the person is impaired
13 to the slightest degree.

14 2. If the person has an alcohol concentration of 0.08 or more
15 within two hours of driving or being in actual physical control of the
16 vehicle and the alcohol concentration results from alcohol consumed either
17 before or while driving or being in actual physical control of the
18 vehicle.

19 3. While there is any drug defined in section 13-3401 or its
20 metabolite in the person's body.

21 4. If the vehicle is a commercial motor vehicle that requires a
22 person to obtain a commercial driver license as defined in section 28-3001
23 and the person has an alcohol concentration of 0.04 or more.

24 B. It is not a defense to a charge of a violation of subsection A,
25 paragraph 1 of this section that the person is or has been entitled to use
26 the drug under the laws of this state.

27 C. A person who is convicted of a violation of this section is
28 guilty of a class 1 misdemeanor.

29 D. A person using a drug as prescribed by a medical practitioner
30 who is licensed pursuant to title 32 and who is authorized to prescribe
31 the drug is not guilty of violating subsection A, paragraph 3 of this
32 section.

33 E. In any prosecution for a violation of this section, the state
34 shall allege, for the purpose of classification and sentencing pursuant to
35 this section, all prior convictions of violating this section, section
36 28-1382 or section 28-1383 occurring within the past thirty-six months,
37 unless there is an insufficient legal or factual basis to do so.

38 F. At the arraignment, the court shall inform the defendant that
39 the defendant may request a trial by jury and that the request, if made,
40 shall be granted.

41 G. In a trial, action or proceeding for a violation of this section
42 or section 28-1383 other than a trial, action or proceeding involving
43 driving or being in actual physical control of a commercial vehicle, the
44 defendant's alcohol concentration within two hours of the time of driving
45 or being in actual physical control as shown by analysis of the

1 defendant's blood, breath or other bodily substance gives rise to the
2 following presumptions:

3 1. If there was at that time 0.05 or less alcohol concentration in
4 the defendant's blood, breath or other bodily substance, it may be
5 presumed that the defendant was not under the influence of intoxicating
6 liquor.

7 2. If there was at that time in excess of 0.05 but less than 0.08
8 alcohol concentration in the defendant's blood, breath or other bodily
9 substance, that fact shall not give rise to a presumption that the
10 defendant was or was not under the influence of intoxicating liquor, but
11 that fact may be considered with other competent evidence in determining
12 the guilt or innocence of the defendant.

13 3. If there was at that time 0.08 or more alcohol concentration in
14 the defendant's blood, breath or other bodily substance, it may be
15 presumed that the defendant was under the influence of intoxicating
16 liquor.

17 H. Subsection G of this section does not limit the introduction of
18 any other competent evidence bearing on the question of whether or not the
19 defendant was under the influence of intoxicating liquor.

20 I. A person who is convicted of a violation of this section:

21 1. Shall be sentenced to serve not less than ten consecutive days
22 in jail and is not eligible for probation or suspension of execution of
23 sentence unless the entire sentence is served.

24 2. Shall pay a fine of not less than ~~two hundred fifty dollars~~
25 \$250.

26 3. May be ordered by a court to perform community restitution.

27 4. Shall pay an additional assessment of ~~five hundred dollars~~ \$500
28 to be deposited by the state treasurer in the prison construction and
29 operations fund established by section 41-1651. This assessment is not
30 subject to any surcharge. If the conviction occurred in the superior
31 court or a justice court, the court shall transmit the assessed monies to
32 the county treasurer. If the conviction occurred in a municipal court,
33 the court shall transmit the assessed monies to the city treasurer. The
34 city or county treasurer shall transmit the monies received to the state
35 treasurer.

36 5. Shall pay an additional assessment of ~~five hundred dollars~~ \$500
37 to be deposited by the state treasurer in the public safety equipment fund
38 established by section 41-1723. This assessment is not subject to any
39 surcharge. If the conviction occurred in the superior court or a justice
40 court, the court shall transmit the assessed monies to the county
41 treasurer. If the conviction occurred in a municipal court, the court
42 shall transmit the assessed monies to the city treasurer. The city or
43 county treasurer shall transmit the monies received to the state
44 treasurer.

1 6. If the violation involved intoxicating liquor, shall be required
2 by the department, on report of the conviction, to equip any motor vehicle
3 the person operates with a certified ignition interlock device pursuant to
4 section 28-3319. In addition, the court may order the person to equip any
5 motor vehicle the person operates with a certified ignition interlock
6 device for more than twelve months beginning on the date of ~~reinstatement~~
7 ~~of the person's driving privilege following a suspension or revocation or~~
8 ~~on the date of the department's receipt of the report of conviction,~~
9 ~~whichever occurs later~~ THE PERSON SUCCESSFULLY COMPLETES THE ALCOHOL OR
10 OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM REQUIREMENTS OF THIS
11 TITLE AND THE PERSON IS OTHERWISE ELIGIBLE TO REINSTATE THE PERSON'S
12 DRIVER LICENSE OR DRIVING PRIVILEGE. The person who operates a motor
13 vehicle with a certified ignition interlock device under this paragraph
14 shall comply with article 5 of this chapter.

15 7. Shall be required by the department to attend and successfully
16 complete an approved traffic survival school course.

17 J. Notwithstanding subsection I, paragraph 1 of this section, at
18 the time of sentencing the judge may suspend all but one day of the
19 sentence if the person completes a court ordered alcohol or other drug
20 screening, education or treatment program. If the person fails to
21 complete the court ordered alcohol or other drug screening, education or
22 treatment program and has not been placed on probation, the court shall
23 issue an order to show cause to the defendant as to why the remaining jail
24 sentence should not be served.

25 K. If within a period of eighty-four months a person is convicted
26 of a second violation of this section or is convicted of a violation of
27 this section and has previously been convicted of a violation of section
28 28-1382 or 28-1383 or an act in another jurisdiction that if committed in
29 this state would be a violation of this section or section 28-1382 or
30 28-1383, the person:

31 1. Shall be sentenced to serve not less than ninety days in jail,
32 thirty days of which shall be served consecutively, and is not eligible
33 for probation or suspension of execution of sentence unless the entire
34 sentence has been served.

35 2. Shall pay a fine of not less than ~~five hundred dollars~~ \$500.

36 3. Shall be ordered by a court to perform at least thirty hours of
37 community restitution.

38 4. Shall have the person's driving privilege revoked for one year.
39 The court shall report the conviction to the department. On receipt of
40 the report, the department shall revoke the person's driving privilege
41 and, if the violation involved intoxicating liquor, shall require the
42 person to equip any motor vehicle the person operates with a certified
43 ignition interlock device pursuant to section 28-3319. In addition, the
44 court may order the person to equip any motor vehicle the person operates
45 with a certified ignition interlock device for more than twelve months

1 ~~beginning on the date of reinstatement of the person's driving privilege~~
2 ~~following a suspension or revocation or on the date of the department's~~
3 ~~receipt of the report of conviction, whichever occurs later~~ THE PERSON
4 SUCCESSFULLY COMPLETES THE ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
5 TREATMENT PROGRAM REQUIREMENTS OF THIS TITLE AND THE PERSON IS OTHERWISE
6 ELIGIBLE TO REINSTATE THE PERSON'S DRIVER LICENSE OR DRIVING PRIVILEGE.
7 The person who operates a motor vehicle with a certified ignition
8 interlock device under this paragraph shall comply with article 5 of this
9 chapter.

10 5. Shall pay an additional assessment of ~~one thousand two hundred~~
11 ~~fifty dollars~~ \$1,250 to be deposited by the state treasurer in the prison
12 construction and operations fund established by section 41-1651. This
13 assessment is not subject to any surcharge. If the conviction occurred in
14 the superior court or a justice court, the court shall transmit the
15 assessed monies to the county treasurer. If the conviction occurred in a
16 municipal court, the court shall transmit the assessed monies to the city
17 treasurer. The city or county treasurer shall transmit the monies
18 received to the state treasurer.

19 6. Shall pay an additional assessment of ~~one thousand two hundred~~
20 ~~fifty dollars~~ \$1,250 to be deposited by the state treasurer in the public
21 safety equipment fund established by section 41-1723. This assessment is
22 not subject to any surcharge. If the conviction occurred in the superior
23 court or a justice court, the court shall transmit the assessed monies to
24 the county treasurer. If the conviction occurred in a municipal court,
25 the court shall transmit the assessed monies to the city treasurer. The
26 city or county treasurer shall transmit the monies received to the state
27 treasurer.

28 7. Shall be required by the department to attend and successfully
29 complete an approved traffic survival school course.

30 L. Notwithstanding subsection K, paragraph 1 of this section, at
31 the time of sentencing, the judge may suspend all but thirty days of the
32 sentence if the person completes a court ordered alcohol or other drug
33 screening, education or treatment program. If the person fails to
34 complete the court ordered alcohol or other drug screening, education or
35 treatment program and has not been placed on probation, the court shall
36 issue an order to show cause as to why the remaining jail sentence should
37 not be served.

38 M. In applying the eighty-four month provision of subsection K of
39 this section, the dates of the commission of the offense shall be the
40 determining factor, irrespective of the sequence in which the offenses
41 were committed.

42 N. A second violation for which a conviction occurs as provided in
43 this section shall not include a conviction for an offense arising out of
44 the same series of acts.

1 O. After completing forty-five days of the revocation period
2 prescribed by subsection K of this section, a person whose driving
3 privilege is revoked for a violation of this section and who is sentenced
4 pursuant to subsection K of this section is eligible for a special
5 ignition interlock restricted driver license pursuant to section 28-1401.

6 P. The court may order a person who is convicted of a violation of
7 this section that does not involve intoxicating liquor to equip any motor
8 vehicle the person operates with a certified ignition interlock device
9 pursuant to section 28-3319. On receipt of the report of conviction and
10 certified ignition interlock device requirement, the department shall
11 require the person to equip any motor vehicle the person operates with a
12 certified ignition interlock device pursuant to section 28-3319. In
13 addition, the court may order the person to equip any motor vehicle the
14 person operates with a certified ignition interlock device for more than
15 twelve months beginning on the date of reinstatement of the person's
16 driving privilege following a suspension or revocation or on the date of
17 the department's receipt of the report of conviction, whichever occurs
18 later. THE PERSON SUCCESSFULLY COMPLETES THE ALCOHOL OR OTHER DRUG
19 SCREENING, EDUCATION OR TREATMENT PROGRAM REQUIREMENTS OF THIS TITLE AND
20 THE PERSON IS OTHERWISE ELIGIBLE TO REINSTATE THE PERSON'S DRIVER LICENSE
21 OR DRIVING PRIVILEGE. The person who operates a motor vehicle with a
22 certified ignition interlock device under this subsection shall comply
23 with article 5 of this chapter.

24 Sec. 2. Section 28-1382, Arizona Revised Statutes, is amended to
25 read:

26 28-1382. Driving or actual physical control while under the
27 extreme influence of intoxicating liquor; trial by
28 jury; sentencing; classification

29 A. It is unlawful for a person to drive or be in actual physical
30 control of a vehicle in this state if the person has an alcohol
31 concentration as follows within two hours of driving or being in actual
32 physical control of the vehicle and the alcohol concentration results from
33 alcohol consumed either before or while driving or being in actual
34 physical control of the vehicle:

- 35 1. 0.15 or more but less than 0.20.
36 2. 0.20 or more.

37 B. A person who is convicted of a violation of this section is
38 guilty of driving or being in actual physical control of a vehicle while
39 under the extreme influence of intoxicating liquor.

40 C. At the arraignment, the court shall inform the defendant that
41 the defendant may request a trial by jury and that the request, if made,
42 shall be granted.

43 D. A person who is convicted of a violation of this section:

- 44 1. Shall be sentenced to serve not less than thirty consecutive
45 days in jail and is not eligible for probation or suspension of execution

1 of sentence unless the entire sentence is served if the person is
2 convicted of a violation of subsection A, paragraph 1 of this section. A
3 person who is convicted of a violation of subsection A, paragraph 2 of
4 this section shall be sentenced to serve not less than forty-five
5 consecutive days in jail and is not eligible for probation or suspension
6 of execution of sentence unless the entire sentence is served.

7 2. Shall pay a fine of not less than ~~two hundred fifty dollars~~
8 \$250, except that a person who is convicted of a violation of subsection
9 A, paragraph 2 of this section shall pay a fine of not less than ~~five~~
10 ~~hundred dollars~~ \$500. The fine prescribed in this paragraph and any
11 assessments, restitution and incarceration costs shall be paid before the
12 assessment prescribed in paragraph 3 of this subsection.

13 3. Shall pay an additional assessment of ~~two hundred fifty dollars~~
14 \$250. If the conviction occurred in the superior court or a justice
15 court, the court shall transmit the monies received pursuant to this
16 paragraph to the county treasurer. If the conviction occurred in a
17 municipal court, the court shall transmit the monies received pursuant to
18 this paragraph to the city treasurer. The city or county treasurer shall
19 transmit the monies received to the state treasurer. The state treasurer
20 shall deposit the monies received in the driving under the influence
21 abatement fund established by section 28-1304.

22 4. May be ordered by a court to perform community restitution.

23 5. Shall be required by the department, on receipt of the report of
24 conviction, to equip any motor vehicle the person operates with a
25 certified ignition interlock device pursuant to section 28-3319. In
26 addition, the court may order the person to equip any motor vehicle the
27 person operates with a certified ignition interlock device for more than
28 twelve months beginning on the date of ~~reinstatement of the person's~~
29 ~~driving privilege following a suspension or revocation or on the date of~~
30 ~~the department's receipt of the report of conviction, whichever occurs~~
31 ~~later~~ THE PERSON SUCCESSFULLY COMPLETES THE ALCOHOL OR OTHER DRUG
32 SCREENING, EDUCATION OR TREATMENT PROGRAM REQUIREMENTS OF THIS TITLE AND
33 THE PERSON IS OTHERWISE ELIGIBLE TO REINSTATE THE PERSON'S DRIVER LICENSE
34 OR DRIVING PRIVILEGE. The person who operates a motor vehicle with a
35 certified ignition interlock device under this paragraph shall comply with
36 article 5 of this chapter.

37 6. Shall pay an additional assessment of ~~one thousand dollars~~
38 \$1,000 to be deposited by the state treasurer in the prison construction
39 and operations fund established by section 41-1651. This assessment is
40 not subject to any surcharge. If the conviction occurred in the superior
41 court or a justice court, the court shall transmit the assessed monies to
42 the county treasurer. If the conviction occurred in a municipal court, the
43 court shall transmit the assessed monies to the city treasurer. The city
44 or county treasurer shall transmit the monies received to the state
45 treasurer.

1 7. Shall pay an additional assessment of ~~one thousand dollars~~
2 \$1,000 to be deposited by the state treasurer in the public safety
3 equipment fund established by section 41-1723. This assessment is not
4 subject to any surcharge. If the conviction occurred in the superior
5 court or a justice court, the court shall transmit the assessed monies to
6 the county treasurer. If the conviction occurred in a municipal court, the
7 court shall transmit the assessed monies to the city treasurer. The city
8 or county treasurer shall transmit the monies received to the state
9 treasurer.

10 8. Shall be required by the department to attend and successfully
11 complete an approved traffic survival school course.

12 E. If within a period of eighty-four months a person is convicted
13 of a second violation of this section or is convicted of a violation of
14 this section and has previously been convicted of a violation of section
15 28-1381 or 28-1383 or an act in another jurisdiction that if committed in
16 this state would be a violation of this section or section 28-1381 or
17 28-1383, the person:

18 1. Shall be sentenced to serve not less than one hundred twenty
19 days in jail, sixty days of which shall be served consecutively, and is
20 not eligible for probation or suspension of execution of sentence unless
21 the entire sentence has been served if the person is convicted of a
22 violation of subsection A, paragraph 1 of this section. A person who is
23 convicted of a violation of subsection A, paragraph 2 of this section
24 shall be sentenced to serve not less than one hundred eighty days in jail,
25 ninety of which shall be served consecutively, and is not eligible for
26 probation or suspension of execution of sentence unless the entire
27 sentence has been served.

28 2. Shall pay a fine of not less than ~~five hundred dollars~~ \$500,
29 except that a person who is convicted of a violation of subsection A,
30 paragraph 2 of this section shall pay a fine of not less than ~~one thousand~~
31 ~~dollars~~ \$1,000. The fine prescribed in this paragraph and any
32 assessments, restitution and incarceration costs shall be paid before the
33 assessment prescribed in paragraph 3 of this subsection.

34 3. Shall pay an additional assessment of ~~two hundred fifty dollars~~
35 \$250. If the conviction occurred in the superior court or a justice
36 court, the court shall transmit the monies received pursuant to this
37 paragraph to the county treasurer. If the conviction occurred in a
38 municipal court, the court shall transmit the monies received pursuant to
39 this paragraph to the city treasurer. The city or county treasurer shall
40 transmit the monies received to the state treasurer. The state treasurer
41 shall deposit the monies received in the driving under the influence
42 abatement fund established by section 28-1304.

43 4. Shall be ordered by a court to perform at least thirty hours of
44 community restitution.

1 5. Shall have the person's driving privilege revoked for at least
2 one year. The court shall report the conviction to the department. On
3 receipt of the report, the department shall revoke the person's driving
4 privilege and shall require the person to equip any motor vehicle the
5 person operates with a certified ignition interlock device pursuant to
6 section 28-3319. In addition, the court may order the person to equip any
7 motor vehicle the person operates with a certified ignition interlock
8 device for more than twelve months beginning on the date of reinstatement
9 ~~of the person's driving privilege following a suspension or revocation or~~
10 ~~on the date of the department's receipt of the report of conviction,~~
11 ~~whichever is later~~ THE PERSON SUCCESSFULLY COMPLETES THE ALCOHOL OR OTHER
12 DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM REQUIREMENTS OF THIS TITLE
13 AND THE PERSON IS OTHERWISE ELIGIBLE TO REINSTATE THE PERSON'S DRIVER
14 LICENSE OR DRIVING PRIVILEGE. The person who operates a motor vehicle
15 with a certified ignition interlock device under this paragraph shall
16 comply with article 5 of this chapter.

17 6. Shall pay an additional assessment of ~~one thousand two hundred~~
18 ~~fifty dollars~~ \$1,250 to be deposited by the state treasurer in the prison
19 construction and operations fund established by section 41-1651. This
20 assessment is not subject to any surcharge. If the conviction occurred in
21 the superior court or a justice court, the court shall transmit the
22 assessed monies to the county treasurer. If the conviction occurred in a
23 municipal court, the court shall transmit the assessed monies to the city
24 treasurer. The city or county treasurer shall transmit the monies
25 received to the state treasurer.

26 7. Shall pay an additional assessment of ~~one thousand two hundred~~
27 ~~fifty dollars~~ \$1,250 to be deposited by the state treasurer in the public
28 safety equipment fund established by section 41-1723. This assessment is
29 not subject to any surcharge. If the conviction occurred in the superior
30 court or a justice court, the court shall transmit the assessed monies to
31 the county treasurer. If the conviction occurred in a municipal court,
32 the court shall transmit the assessed monies to the city treasurer. The
33 city or county treasurer shall transmit the monies received to the state
34 treasurer.

35 8. Shall be required by the department to attend and successfully
36 complete an approved traffic survival school course.

37 F. In applying the eighty-four month provision of subsection E of
38 this section, the dates of the commission of the offense shall be the
39 determining factor, irrespective of the sequence in which the offenses
40 were committed.

41 G. A second violation for which a conviction occurs as provided in
42 this section shall not include a conviction for an offense arising out of
43 the same series of acts.

44 H. After completing forty-five days of the revocation period
45 prescribed by subsection E of this section, a person whose driving

1 privilege is revoked for a violation of this section and who is sentenced
2 pursuant to subsection E of this section is eligible for a special
3 ignition interlock restricted driver license pursuant to section 28-1401.

4 I. Notwithstanding subsection D, paragraph 1 of this section, at
5 the time of sentencing if the person is convicted of a violation of
6 subsection A, paragraph 1 of this section, the judge may suspend all but
7 nine days of the sentence if the person equips any motor vehicle the
8 person operates with a certified ignition interlock device for a period of
9 twelve months. If the person is convicted of a violation of subsection A,
10 paragraph 2 of this section, the judge may suspend all but fourteen days
11 of the sentence if the person equips any motor vehicle the person operates
12 with a certified ignition interlock device for a period of twelve months.
13 If the person fails to comply with article 5 of this chapter and has not
14 been placed on probation, the court shall issue an order to show cause as
15 to why the remaining jail sentence should not be served.

16 J. A person who is convicted of a violation of this section is
17 guilty of a class 1 misdemeanor.

18 Sec. 3. Section 28-1383, Arizona Revised Statutes, is amended to
19 read:

20 28-1383. Aggravated driving or actual physical control while
21 under the influence; county jail program; annual
22 report; violation; classification; definitions

23 A. A person is guilty of aggravated driving or actual physical
24 control while under the influence of intoxicating liquor or drugs if the
25 person does any of the following:

26 1. Commits a violation of section 28-1381, section 28-1382 or this
27 section while the person's driver license or privilege to drive is
28 suspended, canceled, revoked or refused or while a restriction is placed
29 on the person's driver license or privilege to drive as a result of
30 violating section 28-1381 or 28-1382 or under section 28-1385.

31 2. Within a period of eighty-four months commits a third or
32 subsequent violation of section 28-1381, section 28-1382 or this section
33 or is convicted of a violation of section 28-1381, section 28-1382 or this
34 section and has previously been convicted of any combination of
35 convictions of section 28-1381, section 28-1382 or this section or acts in
36 another jurisdiction that if committed in this state would be a violation
37 of section 28-1381, section 28-1382 or this section.

38 3. While a person under fifteen years of age is in the vehicle,
39 commits a violation of either:

40 (a) Section 28-1381.

41 (b) Section 28-1382.

42 4. While the person is ordered by the court or required pursuant to
43 section 28-3319 by the department to equip any motor vehicle the person
44 operates with a certified ignition interlock device, commits a violation
45 of section 28-1381, section 28-1382 or this section.

1 5. Commits a violation of section 28-1381, section 28-1382 or this
2 section while driving the wrong way on a highway.

3 B. The dates of the commission of the offenses are the determining
4 factor in applying the eighty-four month provision provided in subsection
5 A, paragraph 2 of this section regardless of the sequence in which the
6 offenses were committed. For the purposes of this section, a third or
7 subsequent violation for which a conviction occurs does not include a
8 conviction for an offense arising out of the same series of acts. The
9 time that a probationer is found to be on absconder status or the time
10 that a person is incarcerated in any state, federal, county or city jail
11 or correctional facility is excluded when determining the eighty-four
12 month period provided in subsection A, paragraph 2 and subsection E of
13 this section.

14 C. The notice to a person of the suspension, cancellation,
15 revocation or refusal of a driver license or privilege to drive is
16 effective as provided in section 28-3318 or pursuant to the laws of the
17 state issuing the license.

18 D. A person is not eligible for probation, pardon, commutation or
19 suspension of sentence or release on any other basis until the person has
20 served not less than four months in prison if the person is convicted
21 under any of the following:

22 1. Subsection A, paragraph 1 of this section.

23 2. Subsection A, paragraph 2 of this section and within an
24 eighty-four month period has been convicted of two prior violations of
25 section 28-1381, section 28-1382 or this section, or any combination of
26 those sections, or acts in another jurisdiction that if committed in this
27 state would be a violation of section 28-1381, section 28-1382 or this
28 section.

29 3. Subsection A, paragraph 5 of this section.

30 E. A person who is convicted under subsection A, paragraph 2 of
31 this section and who within an eighty-four month period has been convicted
32 of three or more prior violations of section 28-1381, section 28-1382 or
33 this section, or any combination of those sections, or acts in another
34 jurisdiction that if committed in this state would be a violation of
35 section 28-1381, section 28-1382 or this section is not eligible for
36 probation, pardon, commutation or suspension of sentence or release on any
37 other basis until the person has served not less than eight months in
38 prison.

39 F. A person who is convicted under subsection A, paragraph 3,
40 subdivision (a) of this section shall serve at least the minimum term of
41 incarceration required pursuant to section 28-1381.

42 G. A person who is convicted under subsection A, paragraph 3,
43 subdivision (b) of this section shall serve at least the minimum term of
44 incarceration required pursuant to section 28-1382.

1 H. A person who is convicted of a violation of this section shall
2 attend and complete alcohol or other drug screening, education or
3 treatment from an approved facility. If the person fails to comply with
4 this subsection and is placed on probation, in addition to the provisions
5 of section 13-901 the court may order that the person be incarcerated as a
6 term of probation as follows:

7 1. For a person sentenced pursuant to subsection D of this section,
8 for an individual period of not more than four months and a total period
9 of not more than one year.

10 2. For a person sentenced pursuant to subsection E of this section,
11 for an individual period of not more than eight months and a total period
12 of not more than two years.

13 I. The time that a person spends in custody pursuant to subsection
14 H of this section shall not be counted towards the sentence imposed if the
15 person's probation is revoked and the person is sentenced to prison after
16 revocation of probation.

17 J. On a conviction for a violation of this section, the court:

18 1. Shall report the conviction to the department. On receipt of
19 the report, the department shall revoke the driving privilege of the
20 person. The department shall not issue the person a new driver license
21 within one year of the date of the conviction and, if the violation
22 involved intoxicating liquor, shall require the person to equip any motor
23 vehicle the person operates with a certified ignition interlock device
24 pursuant to section 28-3319. In addition, the court may order the person
25 to equip any motor vehicle the person operates with a certified ignition
26 interlock device for more than twenty-four months beginning on the date of
27 ~~reinstatement of the person's driving privilege following a suspension or~~
28 ~~revocation or on the date of the department's receipt of the report of~~
29 ~~conviction, whichever occurs later~~ THE PERSON SUCCESSFULLY COMPLETES THE
30 ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM
31 REQUIREMENTS OF THIS TITLE AND THE PERSON IS OTHERWISE ELIGIBLE TO
32 REINSTATE THE PERSON'S DRIVER LICENSE OR DRIVING PRIVILEGE. The person
33 who operates a motor vehicle with a certified ignition interlock device
34 under this paragraph shall comply with article 5 of this chapter.

35 2. In addition to any other penalty prescribed by law, shall order
36 the person to pay an additional assessment of ~~two hundred fifty dollars~~
37 \$250. If the conviction occurred in the superior court or a justice
38 court, the court shall transmit the monies received pursuant to this
39 paragraph to the county treasurer. If the conviction occurred in a
40 municipal court, the court shall transmit the monies received pursuant to
41 this paragraph to the city treasurer. The city or county treasurer shall
42 transmit the monies received to the state treasurer. The state treasurer
43 shall deposit the monies received in the driving under the influence
44 abatement fund established by section 28-1304. Any fine imposed for a
45 violation of this section and any assessments, restitution and

1 incarceration costs shall be paid before the assessment prescribed in this
2 paragraph.

3 3. Shall order the person to pay a fine of not less than ~~seven~~
4 ~~hundred fifty dollars~~ \$750.

5 4. In addition to any other penalty prescribed by law, shall order
6 the person to pay an additional assessment of ~~one thousand five hundred~~
7 ~~dollars~~ \$1,500 to be deposited by the state treasurer in the prison
8 construction and operations fund established by section 41-1651. This
9 assessment is not subject to any surcharge. If the conviction occurred in
10 the superior court or a justice court, the court shall transmit the
11 assessed monies to the county treasurer. If the conviction occurred in a
12 municipal court, the court shall transmit the assessed monies to the city
13 treasurer. The city or county treasurer shall transmit the monies
14 received to the state treasurer.

15 5. In addition to any other penalty prescribed by law, shall order
16 the person to pay an additional assessment of ~~one thousand five hundred~~
17 ~~dollars~~ \$1,500 to be deposited by the state treasurer in the public safety
18 equipment fund established by section 41-1723. This assessment is not
19 subject to any surcharge. If the conviction occurred in the superior
20 court or a justice court, the court shall transmit the assessed monies to
21 the county treasurer. If the conviction occurred in a municipal court, the
22 court shall transmit the assessed monies to the city treasurer. The city
23 or county treasurer shall transmit the monies received to the state
24 treasurer.

25 K. On conviction for a violation of this section the defendant
26 shall be required by the department to attend and successfully complete an
27 approved traffic survival school course.

28 L. After completing the period of suspension required by section
29 28-1385, a person whose driving privilege is revoked for a violation of
30 subsection A, paragraph 3 of this section may apply to the department for
31 a special ignition interlock restricted driver license pursuant to section
32 28-1401.

33 M. The court may order a person who is convicted of a violation of
34 this section that does not involve intoxicating liquor to equip any motor
35 vehicle the person operates with a certified ignition interlock device
36 pursuant to section 28-3319. On receipt of the report of conviction and
37 certified ignition interlock device requirement, the department shall
38 require the person to equip any motor vehicle the person operates with a
39 certified ignition interlock device pursuant to section 28-3319. In
40 addition, the court may order the person to equip any motor vehicle the
41 person operates with a certified ignition interlock device for more than
42 twelve months beginning on the date ~~of reinstatement of the person's~~
43 ~~driving privilege following a suspension or revocation or on the date of~~
44 ~~the department's receipt of the report of conviction, whichever occurs~~
45 ~~later~~ THE PERSON SUCCESSFULLY COMPLETES THE ALCOHOL OR OTHER DRUG

1 SCREENING, EDUCATION OR TREATMENT PROGRAM REQUIREMENTS OF THIS TITLE AND
2 THE PERSON IS OTHERWISE ELIGIBLE TO REINSTATE THE PERSON'S DRIVER LICENSE
3 OR DRIVING PRIVILEGE. The person who operates a motor vehicle with a
4 certified ignition interlock device under this subsection shall comply
5 with article 5 of this chapter.

6 N. The sheriff of a county with a population of less than five
7 hundred thousand persons may establish an aggravated driving under the
8 influence jail program. If the sheriff establishes an aggravated driving
9 under the influence jail program, the program may not be implemented until
10 the state department of corrections enters into an agreement with the
11 county board of supervisors pursuant to section 31-234 to facilitate the
12 program. Notwithstanding subsections D and E of this section, if the
13 violation occurs in a county that has established and implemented an
14 aggravated driving under the influence jail program or in a county that is
15 contiguous to a county that has established and implemented an aggravated
16 driving under the influence jail program and the person is placed on
17 probation, the mandatory term of incarceration that the person would
18 otherwise serve in prison may be served in the jail of the county that
19 established and implemented the program. A person who is incarcerated in
20 a county jail pursuant to this subsection is not eligible for any release,
21 work detail or monitoring program that the person would not otherwise be
22 eligible for if incarcerated in prison. A county sheriff who establishes
23 an aggravated driving under the influence jail program pursuant to this
24 subsection shall submit an annual report to the Arizona criminal justice
25 commission that contains the data that the Arizona statistical analysis
26 center determines is necessary to prepare a recidivism report pursuant to
27 section 41-2405.

28 O. Aggravated driving or actual physical control while under the
29 influence of intoxicating liquor or drugs committed under:

30 1. Subsection A, paragraph 1, 2, 4 or 5 of this section is a class
31 4 felony.

32 2. Subsection A, paragraph 3 of this section is a class 6 felony.

33 P. For the purposes of this section:

34 1. "Suspension, cancellation, revocation or refusal" means any
35 suspension, cancellation, revocation or refusal.

36 2. "Wrong way" means vehicular movement that is in a direction
37 opposing the legal flow of traffic. Wrong way does not include median
38 crossing or a collision where a motor vehicle comes to a stop facing the
39 wrong way.

40 Sec. 4. Section 28-1445, Arizona Revised Statutes, is amended to
41 read:

42 28-1445. Alcohol or other drug screening; license suspension

43 A. The department of transportation shall order a person whose
44 driving privilege, license, permit, right to apply for a license or permit
45 or nonresident operating privilege is suspended pursuant to section

1 28-1385 to complete alcohol or other drug screening pursuant to this
2 chapter. The alcohol or other drug screening shall be provided by a
3 facility approved by the department of health services, the United States
4 department of veterans affairs, A SUBSTANCE ABUSE COUNSELOR AS DEFINED IN
5 SECTION 28-3005 or a probation department.

6 B. The department may accept evidence satisfactory to the
7 department and in a manner prescribed by the department, after consulting
8 with the administrative office of the courts, of a person's completion of
9 alcohol or other drug screening ordered by the court pursuant to section
10 28-1381, 28-1382, 28-1383 or 28-1387 as sufficient to meet the alcohol or
11 other drug screening requirements of section 28-1385 and this section or
12 the department may order the person to complete additional alcohol or
13 other drug screening.

14 C. A person who is ordered to complete alcohol or other drug
15 screening is responsible for paying the costs of the screening.

16 D. The department shall issue a driver license or permit or
17 reinstate a person's driving privilege only if the person provides
18 satisfactory evidence to the department that the person has completed
19 alcohol or other drug screening.

20 E. A person who provides an alcohol or other drug screening program
21 shall electronically report the following to the department in a form
22 prescribed by the department:

23 1. The completion of screening pursuant to this section.

24 2. The failure of a person to complete screening as ordered by the
25 department pursuant to this section.

26 Sec. 5. Section 28-1461, Arizona Revised Statutes, is amended to
27 read:

28 28-1461. Use of certified ignition interlock devices:
29 reporting

30 A. If a person's driving privilege is limited pursuant to section
31 28-1381, 28-1382, 28-1383 or 28-3319 or restricted pursuant to section
32 28-1402:

33 1. The person shall:

34 (a) Pay the costs for installation and maintenance of the certified
35 ignition interlock device.

36 (b) Provide proof to the department of installation of a
37 functioning certified ignition interlock device in each motor vehicle
38 operated by the person.

39 (c) Provide proof of compliance to the department at least once
40 every ninety days during the period the person is ordered to use an
41 ignition interlock device.

42 (d) Provide proof of calibration of the certified ignition
43 interlock device to the department at least once every ninety days during
44 the period the person is ordered to use an ignition interlock device.

1 2. The department shall not reinstate the person's driving
2 privilege or issue a special ignition interlock restricted driver license
3 until the person has installed a functioning certified ignition interlock
4 device in each motor vehicle operated by the person and has provided proof
5 of installation to the department.

6 B. While a person maintains a functioning certified ignition
7 interlock device in a vehicle pursuant to this chapter, the ignition
8 interlock manufacturer shall electronically provide to the department in
9 real time and in a form prescribed by the department the following
10 information:

11 1. Any tampering or circumvention.

12 2. Any failure to provide proof of compliance or inspection of the
13 certified ignition interlock device as prescribed in this section.

14 3. Any attempt to operate the vehicle with an alcohol concentration
15 exceeding the presumptive limit as prescribed in section 28-1381,
16 subsection G, paragraph 3 or, if the person is under twenty-one years of
17 age, any attempt to operate the vehicle with any spirituous liquor in the
18 person's body.

19 4. Each time that a person fails to properly perform any set of
20 three consecutive rolling retests that occur during a drive cycle.

21 C. If the person is under eighteen years of age, the ignition
22 interlock service provider, if requested by the person's parent or legal
23 guardian, shall provide to the person's parent or legal guardian the
24 information prescribed in subsection B of this section.

25 D. On request, the ignition interlock manufacturer shall provide
26 the information prescribed in subsection B of this section to:

27 1. The department of health services authorized provider.

28 2. The probation department that is providing alcohol or other drug
29 screening, education or treatment to the person.

30 3. The physician, psychologist, PHYSICIAN ASSISTANT, REGISTERED
31 NURSE PRACTITIONER or substance abuse counselor who is evaluating the
32 person's ability to safely operate a motor vehicle following a revocation
33 of the person's driving privilege as prescribed in section 28-3315,
34 subsection D.

35 4. The court.

36 E. The department shall extend an ignition interlock restricted or
37 limited driver license and the certified ignition interlock device period
38 for six months if the department has reasonable grounds to believe that
39 any of the following applies:

40 1. The person tampered with or circumvented the certified ignition
41 interlock device.

42 2. The person attempted to operate the vehicle with an alcohol
43 concentration exceeding the presumptive limit as prescribed in section
44 28-1381, subsection G, paragraph 3, two or more times during the period of
45 license restriction or limitation.

1 3. If the person is under twenty-one years of age, the person
2 attempted to operate the vehicle with any spirituous liquor in the
3 person's body during the period of license restriction or limitation.

4 4. The person failed to provide proof of compliance or inspection
5 as prescribed in this section.

6 5. The person attempts to operate the vehicle with an alcohol
7 concentration of 0.08 or more during a six month extension pursuant to
8 this subsection.

9 6. The person fails to properly perform any set of three
10 consecutive rolling retests that occur during a drive cycle.

11 F. If the special ignition interlock restricted license is extended
12 pursuant to subsection E of this section, the limitations prescribed in
13 sections 28-1381, 28-1382, 28-1383 and 28-3319 do not begin until the
14 restrictive period of the license ends.

15 G. The department shall make a notation on the driving record of a
16 person whose driving privilege is limited pursuant to section 28-1381,
17 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to section
18 28-1402 that states that the person shall not operate a motor vehicle
19 unless it is equipped with a certified ignition interlock device. Unless
20 the person is convicted of a second or subsequent violation of section
21 28-1381, 28-1382 or 28-1383, the notation may not include any mark, color
22 change or other notation or indication on the person's physical driver
23 license.

24 H. Proof of compliance does not include a skipped or missed random
25 sample if the motor vehicle's ignition is off at the time of the skipped
26 or missed sample.

27 Sec. 6. Section 28-3315, Arizona Revised Statutes, is amended to
28 read:

29 28-3315. Period of suspension, revocation or
30 disqualification; unlicensed drivers; definitions

31 A. The department shall not suspend, revoke or disqualify a driver
32 license or privilege to drive a motor vehicle on the public highways for
33 more than one year from the date of a conviction or judgment, if any,
34 against a person for which this chapter makes revocation, suspension or
35 disqualification mandatory or from the date the notice is sent pursuant to
36 section 28-3318 if no conviction was involved, except as permitted under
37 subsection E of this section and sections 28-3312, 28-3319 and 28-3320.

38 B. A person whose license or privilege to drive a motor vehicle on
39 the public highways has been revoked may apply for ~~a new~~ REINSTATEMENT OF
40 THE PERSON'S license as provided by law after the cause of the revocation
41 is removed or after expiration of the revocation period prescribed by law.
42 THE DEPARTMENT MAY REINSTATE THE PERSON'S DRIVER LICENSE after the
43 department ~~investigates~~ REVIEWS an applicant's driving record in this
44 state or another state ~~by examining department records~~ or other sufficient
45 evidence to determine that:

1 1. All withdrawal actions are complete. ~~, that~~

2 2. The applicant has not ~~committed~~ BEEN CONVICTED OF OR FOUND
3 RESPONSIBLE FOR any traffic violations within twelve months preceding
4 application. ~~and that~~

5 3. All other statutory requirements are satisfied, ~~the department~~
6 ~~may issue a new license.~~

7 C. The department shall not accept an application for reinstatement
8 of a driver license until after the twelve month period prescribed in
9 subsection B of this section has elapsed.

10 D. If the DEPARTMENT REINSTATES A PERSON'S DRIVER LICENSE OR
11 DRIVING PRIVILEGE FOR A revocation THAT is related to alcohol or other
12 drugs, ~~the person shall provide the department with a current~~ MAY ACCEPT
13 AN evaluation THAT WAS PERFORMED WITHIN THE PREVIOUS TWELVE MONTHS from a
14 physician ~~licensed pursuant to title 32, chapter 13, 17 or 29, a~~
15 psychologist ~~licensed pursuant to title 32, chapter 19.1, A PHYSICIAN~~
16 ASSISTANT, A REGISTERED NURSE PRACTITIONER or a substance abuse counselor
17 ~~as defined in section 28-3005~~ indicating that, in the opinion of the
18 physician, psychologist, PHYSICIAN ASSISTANT, REGISTERED NURSE
19 PRACTITIONER or SUBSTANCE ABUSE counselor, the condition does not affect
20 or impair the person's ability to safely operate a motor vehicle. For the
21 purposes of reinstating a license or driving privilege pursuant to this
22 article, the department may rely on the opinion of a physician ~~licensed~~
23 ~~pursuant to title 32, chapter 13, 17 or 29, a psychologist licensed~~
24 ~~pursuant to title 32, chapter 19.1, A PHYSICIAN ASSISTANT, A REGISTERED~~
25 NURSE PRACTITIONER or a substance abuse counselor ~~as defined in section~~
26 ~~28-3005.~~

27 E. Notwithstanding subsections A and B of this section:

28 1. A person whose license or privilege to drive is revoked pursuant
29 to section 28-3304, subsection A, paragraph 1 or 11 is not entitled to
30 have the person's license or privilege renewed or restored for three
31 years.

32 2. A person whose license or privilege to drive is revoked pursuant
33 to section 13-1209 is not entitled to have the person's license or
34 privilege renewed or restored for the period of time ordered by the court.

35 3. If a license, permit or privilege to drive is revoked pursuant
36 to section 28-661, subsection E the license, permit or privilege may not
37 be renewed or restored except as prescribed by section 28-661, subsections
38 E and F.

39 4. A person whose license, permit or privilege to drive is revoked
40 pursuant to section 28-661, subsection G is not entitled to have the
41 person's license, permit or privilege renewed or restored for three years.

42 F. If an unlicensed driver commits an offense for which a driver
43 license could be suspended, revoked or disqualified, the department shall
44 not accept the unlicensed driver's application for a driver license for a
45 period equal to the period of time that applies to a driver with a

1 license. If the offense is one for which a driver license could be
2 revoked, the department shall not accept the unlicensed driver's
3 application for a driver license unless it ~~investigates~~ INCLUDES AN
4 EVALUATION FROM A PHYSICIAN, PSYCHOLOGIST, PHYSICIAN ASSISTANT, REGISTERED
5 NURSE PRACTITIONER OR SUBSTANCE ABUSE COUNSELOR ON the ~~character~~, habits
6 and driving ability of the person and THAT THE EVALUATOR is satisfied that
7 it is safe to grant the privilege of driving a motor vehicle on the public
8 highways.

9 G. The expiration of a person's license during the period of time
10 it is under suspension, revocation or disqualification does not invalidate
11 or terminate the suspension, revocation or disqualification.

12 H. A person whose license or privilege to drive a motor vehicle on
13 the public highways has been suspended pursuant to section 28-3306,
14 subsection A, paragraph 5 or section 28-3314 may apply for a new license
15 as provided by law after the cause for suspension is removed or after
16 expiration of the suspension period prescribed by law if both of the
17 following conditions are met:

18 1. The department is satisfied, after reviewing the medical
19 condition and driving ability of the person, that it is safe to grant the
20 person the privilege of driving a motor vehicle on the public highways.

21 2. If the person has a medical condition related to alcohol or
22 other drugs, ~~the person provides the department with a current~~ MAY ACCEPT
23 AN evaluation form from a physician ~~licensed pursuant to title 32, chapter~~
24 ~~13, 17 or 29~~, a psychologist ~~licensed pursuant to title 32, chapter 19.1~~,
25 A PHYSICIAN ASSISTANT, A REGISTERED NURSE PRACTITIONER or a substance
26 abuse counselor ~~as defined in section 28-3005~~ indicating that, in the
27 opinion of the physician, psychologist, PHYSICIAN ASSISTANT, REGISTERED
28 NURSE PRACTITIONER or SUBSTANCE ABUSE counselor, the condition does not
29 affect or impair the person's ability to operate a motor vehicle in a safe
30 manner.

31 I. FOR THE PURPOSES OF THIS SECTION:

32 1. "PHYSICIAN" MEANS A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE
33 32, CHAPTER 13, 17 OR 29.

34 2. "PHYSICIAN ASSISTANT" MEANS A PHYSICIAN ASSISTANT WHO IS
35 LICENSED PURSUANT TO TITLE 32, CHAPTER 25.

36 3. "PSYCHOLOGIST" MEANS A PSYCHOLOGIST WHO IS LICENSED PURSUANT TO
37 TITLE 32, CHAPTER 19.1.

38 4. "REGISTERED NURSE PRACTITIONER" MEANS A REGISTERED NURSE
39 PRACTITIONER WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

40 5. "SUBSTANCE ABUSE COUNSELOR" HAS THE SAME MEANING PRESCRIBED IN
41 SECTION 28-3005.

1 Sec. 7. Section 28-3319, Arizona Revised Statutes, is amended to
2 read:

3 28-3319. Action after license suspension, revocation or
4 denial for driving under the influence or refusal
5 of test; ignition interlock device requirement;
6 definition

7 A. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383,
8 28-3320 or 28-3322, the license of a driver or the driving privilege of a
9 nonresident is suspended or revoked, the department shall not terminate
10 the suspension or revocation or issue a special ignition interlock
11 restricted driver license, if applicable, pursuant to chapter 4, article
12 3.1 of this title until the person provides proof of financial
13 responsibility pursuant to chapter 9, article 3 of this title.

14 B. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383,
15 28-3320 or 28-3322, an unlicensed resident is denied a license or permit
16 to operate a motor vehicle, the department shall not issue a license or
17 permit until the person provides proof of financial responsibility
18 pursuant to chapter 9, article 3 of this title.

19 C. If a person whose license or driving privilege is suspended or
20 revoked pursuant to section 28-1321, 28-1381, 28-1382, 28-1383 or 28-1385
21 is ordered, pursuant to section 28-1381, 28-1382, 28-1383 or 28-1385, to
22 attend alcohol or other drug screening, education or treatment, the
23 department shall not either:

24 1. Terminate the suspension or issue a special ignition interlock
25 restricted driver license, if applicable, pursuant to chapter 4, article
26 3.1 of this title until the person OR LICENSED TREATMENT FACILITY provides
27 proof ~~from the treatment facility~~ that the person has completed or is
28 participating satisfactorily in alcohol or other drug screening, education
29 or treatment.

30 2. Issue a new license or a special ignition interlock restricted
31 driver license, if applicable, pursuant to chapter 4, article 3.1 of this
32 title to operate a motor vehicle after the revocation until the person OR
33 LICENSED TREATMENT FACILITY provides proof ~~from the facility~~ that the
34 person has completed the court ordered program.

35 D. On receipt of a report of conviction from a court for a
36 violation that involved intoxicating liquor or that specifically requires
37 the installation of a certified ignition interlock device, the department
38 shall require any motor vehicle the convicted person operates to be
39 equipped with a functioning certified ignition interlock device and the
40 convicted person to meet the requirements prescribed in section 28-1461 as
41 follows:

42 1. For twelve months if:

43 (a) Except as provided in subsection G of this section, the person
44 is convicted of a violation of section 28-1381, section 28-1382,

1 subsection A, paragraph 1 or section 28-1383, subsection A, paragraph 3,
2 subdivision (a).

3 (b) The department determines that within a period of eighty-four
4 months the person is convicted of a second or subsequent violation of
5 section 28-1381 or section 28-1382, subsection A, paragraph 1 with a prior
6 conviction of a violation of section 28-1381, 28-1382 or 28-1383 or an act
7 in another jurisdiction that if committed in this state would be a
8 violation of section 28-1381, 28-1382 or 28-1383.

9 2. For eighteen months if the person is convicted of a violation of
10 section 28-1382, subsection A, paragraph 2.

11 3. For twenty-four months if:

12 (a) The person is convicted of a violation of section 28-1382,
13 subsection A, paragraph 2 and the department determines that within a
14 period of eighty-four months the person has a prior conviction of a
15 violation of section 28-1381, 28-1382 or 28-1383 or an act in another
16 jurisdiction that if committed in this state would be a violation of
17 section 28-1381, 28-1382 or 28-1383.

18 (b) The person is convicted of a violation of section 28-1383,
19 subsection A, paragraph 1, 2, or 4 OR 5 or paragraph 3, subdivision (b).

20 E. The requirement prescribed in subsection D of this section
21 begins on the date of reinstatement of the person's driving privilege
22 following a suspension or revocation or on the date of the department's
23 receipt of the report of conviction, whichever occurs later THE PERSON
24 SUCCESSFULLY COMPLETES THE ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
25 TREATMENT PROGRAM REQUIREMENTS OF THIS TITLE AND THE PERSON IS OTHERWISE
26 ELIGIBLE TO REINSTATE THE PERSON'S DRIVER LICENSE OR DRIVING PRIVILEGE.

27 F. A person who is required to equip a motor vehicle with a
28 certified ignition interlock device pursuant to this section shall comply
29 with chapter 4, article 5 of this title.

30 G. The department shall defer the remainder of the time period
31 prescribed in subsection D, paragraph 1, subdivision (a) of this section
32 commencing with the later of six months from the date the interlock was
33 installed or the completion of the requirements of this subsection if all
34 of the following apply:

35 1. The person is sentenced pursuant to section 28-1381,
36 subsection I.

37 2. The person successfully completes an alcohol education program
38 consisting of at least sixteen hours pursuant to section 28-1381.

39 3. The person has maintained a functioning ignition interlock
40 device on all motor vehicles the person operates and has met the
41 requirements of section 28-1461.

42 4. The person has not attempted to operate a vehicle with an
43 alcohol concentration of 0.08 or more two or more times during the period
44 of license restriction or limitation.

1 5. At the time of the offense, the person was not involved in a
2 motor vehicle accident that resulted in physical injury or property
3 damage.

4 6. All necessary compliance information has been provided to the
5 department by the ignition interlock device provider, the alcohol
6 screening program and the alcohol education program.

7 H. The deferment pursuant to subsection G of this section is
8 permanent, unless the person is arrested for a violation of section
9 28-1381, 28-1382 or 28-1383 that occurs during the period of the
10 deferment. If the person is arrested as described in this subsection, the
11 department shall revoke the deferment and require the person to complete
12 the remainder of the time period prescribed in subsection D, paragraph 1,
13 subdivision (a) of this section.

14 I. Notwithstanding any other law, the department shall reduce the
15 length of time that a person is required to have a functioning certified
16 ignition interlock device installed in a motor vehicle pursuant to
17 subsection D of this section by the length of time that the person is
18 incarcerated in a jail or prison facility for a violation of section
19 28-1381 or 28-1383 that did not involve intoxicating liquor.

20 J. For the purposes of this section, "certified ignition interlock
21 device" has the same meaning prescribed in section 28-1301.

APPROVED BY THE GOVERNOR JUNE 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2019.

Passed the House May 27, 20 19,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

W.R. Broderick
Speaker of the House
Photomount

Jim Drake
Chief Clerk of the House

Passed the Senate February 25, 20 19,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Karen Farn
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

27th day of May, 20 19,

at 9:36 o'clock P M.

Ry Shul
Secretary to the Governor

Approved this 7th day of

June, 20 19,

at 4:14 o'clock P M.

George L. Goy
Governor of Arizona

S.B. 1307

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of June, 20 19,

at 6:01 o'clock P. M.

[Signature]
Secretary of State